

# House File 2505 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 690)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the compliance advisory panel, including the  
2 appointment of its members and its powers and duties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5352HV 82  
5 da/nh/5

PAG LIN

1 1 Section 1. Section 455B.131, Code Supplement 2007, is  
1 2 amended by adding the following new subsection:  
1 3 NEW SUBSECTION. 13. "Small business stationary source"  
1 4 means a stationary air contaminant source that meets all of  
1 5 the following requirements:  
1 6 a. Employs one hundred or fewer individuals.  
1 7 b. Qualifies as a small business concern by the United  
1 8 States department of commerce pursuant to 15 U.S.C. } 632.  
1 9 c. Is not a major stationary source.  
1 10 d. Emits less than fifty tons per year of any federally  
1 11 regulated air pollutant and less than seventy-five tons per  
1 12 year of all federally regulated pollutants under the federal  
1 13 Clean Air Act Amendments of 1990, 42 U.S.C. } 7401 et seq.  
1 14 Sec. 2. NEW SECTION. 455B.133A SMALL BUSINESS STATIONARY  
1 15 SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE  
1 16 PROGRAM.  
1 17 A small business stationary source technical and  
1 18 environmental compliance assistance program shall be  
1 19 administered and enforced as required pursuant to the federal  
1 20 Clean Air Act Amendments of 1990, 42 U.S.C. } 7661f.  
1 21 Sec. 3. Section 455B.133B, Code 2007, is amended to read  
1 22 as follows:  
1 23 455B.133B AIR CONTAMINANT SOURCE FUND CREATED.  
1 24 An air contaminant source fund is created in the office of  
1 25 the treasurer of state under the control of the department.  
1 26 1. Moneys received from the fees assessed pursuant to  
1 27 section 455B.133, subsection 8, shall be deposited in the  
1 28 fund.  
1 29 2. Moneys in the fund shall be used solely to defray the  
1 30 costs related to the permit, monitoring, and inspection  
1 31 program, including the small business stationary source  
1 32 technical and environmental compliance assistance program  
1 33 required pursuant to the federal Clean Air Act Amendments of  
1 34 1990, ~~sections section 502 and 507~~, Pub. L. No. 101-549, and  
1 35 as provided in section 455B.133A.  
2 1 3. Notwithstanding section 8.33, any unexpended balance in  
2 2 the fund at the end of each fiscal year shall be retained in  
2 3 the fund. Notwithstanding section 12C.7, any interest and  
2 4 earnings on investments from money in the fund shall be  
2 5 credited to the fund.  
2 6 Sec. 4. Section 455B.150, Code 2007, is amended to read as  
2 7 follows:  
2 8 455B.150 COMPLIANCE ADVISORY PANEL == CREATION.  
2 9 A compliance advisory panel ~~shall be is~~ created, pursuant  
2 10 to Title V, section 507(e) of the federal Clean Air Act  
2 11 Amendments of 1990, ~~to review and report on the effectiveness~~  
2 12 ~~of the small business technical assistance program required by~~  
2 13 ~~the federal Clean Air Act Amendments of 1990, Pub. L. No.~~  
2 14 ~~101-549 42 U.S.C. } 7661f.~~  
2 15 1. Appointment to the compliance advisory panel shall be  
2 16 as follows:  
2 17 a. Two persons shall be appointed by the governor.

2 18 (1) Each person shall represent the general public and  
2 19 have an interest in air quality issues. The person shall not  
2 20 be an owner or represent an owner of a small business  
2 21 stationary source.

2 22 (2) The person shall serve for a four-year term and may be  
2 23 reappointed. A term of office shall begin and end as provided  
2 24 in section 69.19.

2 25 (3) An appointment shall comply with sections 69.16 and  
2 26 69.16A. In addition, the appointments shall be geographically  
2 27 balanced.

2 28 b. Four persons appointed by the leadership of the general  
2 29 assembly.

2 30 (1) The persons shall be appointed as follows:

2 31 (a) One person by the majority leader of the senate after  
2 32 consultation with the president of the senate and the minority  
2 33 leader, and one person by the minority leader of the senate  
2 34 after consultation with the president of the senate and the  
2 35 majority leader.

3 1 (b) Two persons appointed by the speaker of the house of  
3 2 representatives after consultation with the majority leader  
3 3 and minority leader.

3 4 (2) Each person shall be an owner of a small business  
3 5 stationary source or shall represent an owner of a small  
3 6 business stationary source.

3 7 (3) The person shall serve for a two-year term and may be  
3 8 reappointed.

3 9 (4) A term shall expire upon the convening of the  
3 10 following general assembly, or when the appointee's successor  
3 11 is appointed, whichever occurs later.

3 12 c. The director or the director's designee who shall serve  
3 13 for a term of four years.

3 14 2. A vacancy shall be filled for the unexpired term by the  
3 15 original appointing authority in the manner of the original  
3 16 appointment.

3 17 3. The members are entitled to receive a per diem as  
3 18 specified in section 7E.6 for each day spent in performance of  
3 19 duties as members, and shall be reimbursed for all actual and  
3 20 necessary expenses incurred in the performance of duties as  
3 21 members. Per diem and expenses shall be paid from moneys  
3 22 deposited in the air contaminant source fund created pursuant  
3 23 to section 455B.133B.

3 24 4. The compliance advisory panel shall elect a chairperson  
3 25 and may elect a vice chairperson or other officers from among  
3 26 its members as provided by its rules. The panel shall meet on  
3 27 a regular basis, but at least once each six months, and at the  
3 28 call of the chairperson or upon the written request to the  
3 29 chairperson of three or more members.

3 30 5. The department shall staff the compliance advisory  
3 31 panel and provide the panel with space to conduct its  
3 32 meetings, clerical assistance, and necessary supplies and  
3 33 equipment.

3 34 Sec. 5. NEW SECTION. 455B.151 COMPLIANCE ADVISORY PANEL  
3 35 == POWERS AND DUTIES.

4 1 The compliance advisory panel created in section 455B.150  
4 2 shall review and report on the effectiveness of the small  
4 3 business stationary source technical and environmental  
4 4 assistance program as provided in section 455B.133A. The  
4 5 compliance advisory panel shall do all of the following:

4 6 1. Render advisory opinions concerning the effectiveness  
4 7 of the small business stationary source technical and  
4 8 environmental compliance assistance program, difficulties  
4 9 encountered, and degree and severity of enforcement.

4 10 2. Make periodic reports to the administrator of the  
4 11 federal environmental protection agency concerning the  
4 12 compliance of the state small business stationary source  
4 13 technical and environmental compliance assistance program with  
4 14 the requirements of the federal Paperwork Reduction Act, 44  
4 15 U.S.C. } 3501 et seq.; the federal Regulatory Flexibility Act,  
4 16 5 U.S.C. } 601 et seq.; and the federal Equal Access to  
4 17 Justice Act, 5 U.S.C. } 504.

4 18 3. Review information for small business stationary  
4 19 sources to assure such information is understandable by the  
4 20 layperson.

4 21 4. Have the small business stationary source technical and  
4 22 environmental compliance assistance program serve as the  
4 23 secretariat for the development and dissemination of such  
4 24 reports and advisory opinions.

4 25 EXPLANATION

4 26 BACKGROUND. This bill amends provisions in Code chapter  
4 27 455B that provide for implementation of provisions in the  
4 28 federal Clean Air Act of 1990 by the department of natural

4 29 resources, which acts on behalf of the United States  
4 30 environmental protection agency. Specifically, the bill  
4 31 amends provisions relating to small business stationary  
4 32 sources, including the following: (1) Code section 455B.133B  
4 33 which provides for a small business stationary source  
4 34 technical and environmental compliance assistance program, and  
4 35 (2) Code section 455B.150 establishing a compliance advisory  
5 1 panel to monitor the program and report on its effectiveness  
5 2 to the environmental protection agency (EPA) administrator.  
5 3 BILL'S PROVISIONS. The bill does all of the following:  
5 4 1. Defines a small business stationary source to include a  
5 5 business employing 100 or fewer persons which qualifies under  
5 6 regulations by the federal small business administration, is  
5 7 not a major source, and emits less than 75 tons of all  
5 8 regulated air pollutants.  
5 9 2. Moves language establishing a small business stationary  
5 10 source technical and environmental compliance assistance  
5 11 program to a separate Code section (currently the provisions  
5 12 are included in the same Code section as a provision which  
5 13 established an air contaminant source fund used to support the  
5 14 program).  
5 15 3. Provides for the composition of the compliance advisory  
5 16 panel, including the appointment of its seven members by the  
5 17 governor, the leadership of the general assembly, and the  
5 18 department. The members are to represent the interests of the  
5 19 public, industry, and department. The bill also provides  
5 20 procedures for making the appointments, conducting panel  
5 21 meetings, and paying or reimbursing members.  
5 22 4. Provides for the powers and duties of the compliance  
5 23 advisory panel, including by authorizing the panel to render  
5 24 advisory opinions concerning the effectiveness of the program,  
5 25 make reports to EPA's administrator concerning the state's  
5 26 compliance with the program, review information concerning  
5 27 small business stationary sources, and disseminate the panel's  
5 28 reports and advisory opinions.  
5 29 LSB 5352HV 82  
5 30 da/nh/5.1